

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

TRANSLATION PROJECT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Applicant's or agent's file reference JSONY-737PCT		Date of mailing (day/month/year)
		FOR FURTHER ACTION See paragraph 2 below
International application No. PCT/JP2005/018547	International filing date (day/month/year) 06.10.2005	Priority date (day/month/year) 04.11.2004
International Patent Classification (IPC) or both national classification and IPC		
Applicant SONY CORPORATION		
<p>1. This opinion contains indications relating to the following items:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Box No. I Basis of the opinion <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application <p>2. FURTHER ACTION</p> <p>If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.</p> <p>If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.</p> <p>For further options, see Form PCT/ISA/220.</p> <p>3. For further details, see notes to Form PCT/ISA/220.</p>		

Name and mailing address of the ISA/JP	Date of completion of this opinion	Authorized officer
Facsimile No.		Telephone No.

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International application No.
PCT/JP2005/018547

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of:
 the international application in the language in which it was filed
 the translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rule 12.3(a) and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
 a sequence listing
 table(s) related to the sequence listing
 - b. format of material
 on paper
 in electronic form
 - c. time of filing/furnishing
 contained in the international application as filed
 filed together with the international application in electronic form
 furnished subsequently to this Authority for the purposes of search
3. In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. V **Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims	2-4, 8-10	YES
	Claims	1, 5-7, 11, 12	NO
Inventive step (IS)	Claims	4, 10	YES
	Claims	1-3, 5-9, 11, 12	NO
Industrial applicability (IA)	Claims	1-12	YES
	Claims		NO

2. Citations and explanations:

Document 1: JP, 4-127780, A (Sony Corp.), 28 April, 1992 (28.04.92), full text, figures 1-4

Document 2: JP, 11-218820, A (Sony Electronics, Inc.), 10 August, 1999 (10.08.99), full text, figures 1-6 & US, 5873007, A & CN, 1220543, A

Document 3: JP, 2002-290785, A (Alps Electric Co., Ltd.), 04 October, 2002 (04.10.02), full text, figures 1-25 & US, 2002-140711, A1

Document 4: JP, 2002-290786, A (Alps Electric Co., Ltd.), 04 October, 2002 (04.10.02), full text, figures 1-10 & US, 2002-140711, A1

The subject matters of claims 1, 5, 7, and 11 do not appear to be novel or to involve an inventive step since they are described in documents 1-4 cited in the ISR.

The subject matters of claims 6 and 12 do not appear to be novel or to involve an inventive step since they are described in document 1.

The subject matters of claims 2, 3, 8, and 9 do not appear to involve an inventive step according to documents 3 and 4. In the device described in documents 3 and 4, a) attempting to regulate the marker form in accordance with the selected photography mode, and b) changing the marker form into a controlled configuration and using the configuration that controls synthesis and non-synthesis markers is easy for a person skilled in the art.

The subject matters of claims 4 and 10 are not described in any of documents 1-4 and are not obvious to a person skilled in the art.